

REMARKS/ARGUMENTS

Claims 1-16 are pending. Independent claims 1 and 5 are further amended. The “abutting” step of claim 11 is incorporated into claim 5 and corresponding “in abutment” language is incorporated into claim 1.

The Office Action finds that claims 11-16 are allowed. In view of the amendment to claims 1 and 5, it is submitted that all the claims are now in allowable condition.

Claims 1-10 were rejected under 35 U.S.C. 103(a) over Strukel (US 5919157) in view of Southern, Jr. (US 6712797). The rejection is traversed.

Strukel is directed to a phacoemulsification instrument used in cataract eye surgery to suction cut cataract tissue. Southern, Jr. is directed at a blood return catheter that enables blood sampling by decreasing the potential for adherence of the catheter tip to a blood vessel wall or a blood clot.

The rationale mentioned in the Office Action for modifying Strukel by Southern, Jr. is so that “fluid can still flow out of the distal end of the catheter when the distal end abuts against a structure”.

Since Strukel does not employ a catheter, but rather employs a needle sleeve, whether there can still be flow out of a catheter is irrelevant to Strukel, which is concerned neither with blood vessels nor with blood clots. On this basis, the rejection warrants withdrawal.

Further, Strukel calls for insertion of the distal end of its phacoemulsification instrument into the eye with its needle tip projecting forwardly of the distal end of its sleeve. As such, it envisions no “structure” against which the sleeve is to abut. Southern, Jr., on the other hand, is concerned with adherence to blood vessels or

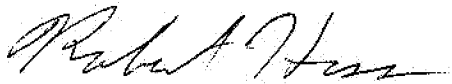
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blood clots, which would not be a concern in cataract removal.

Finally, claims 1 and 5 were further amended to recite abutment/abutting of the distal end of the sleeve with the incision, which is beyond the teaching of both Strukel and Southern, Jr.

Withdrawal of the rejection is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert J. Hess".

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